1; Rivers E-5 (ca. 1901-02) 1906 Toda

There is often very great disproportion of age in Toda marriages. I have already given two cases in which the woman is the older, in each of which the disproportion of age is due to the custom of marrying a *matchuni*. More commonly the man is much the older, and there are at the present time many cases in which elderly men are married to young girls. This is partly due to the practice of infant marriage. Unless a widower can take advantage of the *terersthi* custom, which is always expensive, he may have to marry a child and wait till she has reached a marriageable age. Thus, Kòdrner, my guide, lost his wife some years ago, and then married a girl whose present[1] age is only thirteen, Kòdrner being forty-two. The girl is still living with her parents, and will probably not go to her husband for another three or four years.

THE CUSTOM OF 'TERERSTHI

The marriage tie among the Todas at the present time has become very loose. Wives are constantly transferred from one husband, or group of husbands, to another, the new husband or husbands paying a certain number of buffaloes to the old. The amount of the compensation or *ter* is settled by a council, and from this the transaction has received its name of *terersthi*, or "compensation he tells (decides)."[2]

There is much reason to believe that this custom has altered its character in recent times. I was told that formerly the custom only applied to cases in which a man had lost his wife by death. If he wished to marry a woman who was already the wife of another or others, he went to the father of the woman and asked for his consent. The father would consult with two other elders, and if they were in favour of the proposed transaction the three elders would go to the woman, and if they obtained her consent they then went to her husband for his. If husband or wife were unwilling to be parted nothing was done, but if both consented, the new and

[1] In 1902.

[2] *Ter* is also used in the sense of 'fine,' but is only used when the fine takes the form of a buffalo or buffaloes. A money fine is called *sarve*.

1: Rivers E-5 (ca. 1901-02) 1906 Toda

586 587 the old husband, the father of the woman, and the two elders met and decided on the number of buffaloes to be given as *ter* or compensation. This meeting was called *tererstthi*. The *ter* had to be paid within a month, and all the buffaloes given had to be females. The man who was giving up the woman went to the village of the new husband and received his buffaloes, of which he was allowed to choose a certain number. If he had been awarded more than four buffaloes, he might choose three, if four or less, he might only choose two. Among the Tartharol, a man would usually choose *wursulir*, and among the Teivaliol, *pasthir*.

At the present time the number of buffaloes given as *ter* varies very greatly; the most frequent number is three, but often more are given, and in one case, about ten years ago, a man had to give twenty-five. The number seems to depend largely on the size of the herd possessed by the man taking a new wife. The more buffaloes he has, the more he has to pay.

[574] When the buffaloes are given, the new husband has to give a feast, after which the old husband drives away his buffaloes. In a recent case Teigudr of Nodrs (4) had taken Uwer from Nertolvan and Palpa of Pan (16) for nine buffaloes. These two men went to the village of Tedshteiri, where Teigudr was living, and were feasted, the food being cooked on nine ovens, corresponding to the number of the buffaloes. This correspondence between the number of the ovens and of the buffaloes given as *ter*, suggests that there may have been some definite ceremonial in connexion with this feast of which I failed to obtain an account.

183 586 587 The custom of *tererstthi* has some reason on its side. Wherever infant marriage exists in a small community, it must often happen that a widower finds all the women of his community married, and without some machinery by which he is allowed to take the wife of another, he must remain unmarried or be content with marriage to a mere child. Even at the present time, we have seen that an adult man who has lost his wife may marry a girl only a few years of age.[1]

[1] For an instance in the past see p. 538.

1: Rivers E-5 (ca. 1901-02) 1906 Toda

At the present time the custom of *terersthi* has a far wider range. It is obvious that when a widower takes the wife of another he is simply transferring his difficulty, and the man whose wife he has taken will have to seek a new partner.[1] It often happens that a man takes the wife of a boy married, perhaps, to a girl of about the same age as himself, and when this boy reaches manhood he will have to seek a wife and will naturally try to obtain the wife of another rather than be content with a child perhaps only three or four years of age. It would be impossible that such a custom as that of *terersthi* should remain limited in scope, but there is no doubt that at the present day it has become the custom for any man who takes a fancy for the wife of another to endeavour to obtain her for himself, and I was told that he would give large bribes to the elders of the Todas to attain his object. It seems quite clear that, at the present time, it is not considered necessary to obtain the consent either of the wife or of the husband, and in some cases the wife has been taken from her husband by force.[1]

In some recent cases the aggrieved parties in such disputes have appealed to the Government, and during my visit a petition was being drawn up for presentation to the Governor of Madras, asking that the abuses of the *terersthi* custom should be remedied.

DIVORCE

Divorce exists among the Todas quite apart from the transference of wives just considered.

I was told that a man divorces his wife for two reasons, and for two only, the first reason being that the wife is a fool and the second that she will not work. Barrenness is not generally regarded as a reason for divorce, though I was told of one case in which a man had sent away his wife on this account. It seemed more usual in such a case to take a second wife. In some cases the illness of the husband has been regarded as a ground for divorce. Intercourse between

[1] For an instance see p. 535.

1: Rivers E-5 (ca. 1901-02) 1906 Toda

[837] a wife and another man is not regarded as a reason for divorce 586 but rather as a perfectly natural occurrence. Intercourse between

627 When a man divorces his wife, the woman's people usually
684 complain to the *naim* or council, but if it is decided that the man shall take his wife back, there appears to be no way of compelling him to do so. In any case the husband pays a fine (*kwadr*) of one buffalo to the wife's people, just as he would have done if he had refused to take her when she reached the marriageable age, but he receives back any buffaloes he may have given as *pòdri*. Even if the council decides that the man ought to take his wife back and he refuses, a fine greater than one buffalo cannot be inflicted.

587 If the divorced woman re-marries, the previous husband does not receive anything, and any buffaloes given become the property of the woman's family.

THE MOKHTHODITI INSTITUTION

588 In addition to the regular marriage, there is another re-
837 cognised mode of union between men and women, which is called *mokhthoditi*. The man who becomes the consort
851 of a woman in this way is called her *mokhthodvaiol*—viz.,
616 "man who keeps *mokh*,"[1] and the woman is called *sed-*
595 *vaitasmokh*—viz., "woman who joins." The *mokhthoditi* union differs from the regular marriage in one important respect. It may be, and usually is, formed between Tarthar men and Teivali women, or between Teivali men and Tarthar women. The great majority of instances of which I heard were of this kind. One woman might have more than one *mokhthodvaiol*, the largest number of which I heard being three. Similarly, a man might have more than one *sed-vaitasmokh*, but as the custom entailed considerable expenses on the man, this was not common, and I did not hear of any instance in which a man had more than two.

The *mokhthodvaiol* has no rights over any children who might be supposed to be his; they are regarded as the children of the regular marriage. This would be the case

[1] *Mokh* here means 'child' in general, not son.

1: Rivers E-5 (ca. 1901-02) 1906 Toda

674 doubtful whether crime can be said to exist among the Todas.

Acts such as infanticide are committed which would be regarded as crimes by others, but since these are the outcome of custom they are not crimes from the Toda point of view.

673 Again, we have seen that the Todas have a code of offences against the dairy, but these must be regarded as sins rather than as crimes, for they are neither investigated nor punished by the civil authority, the *naim*, but are punished directly by the gods, and the various ceremonies described in Chapter XIII are expiatory and not punitive.

578 The list of offences given on p. 295 includes quarrelling between people of the same clan at a festival and quarrelling
673 in the dairy. In both cases the quarrelling is an offence
623 against the dairy, and I have no information to show whether quarrels ever lead to acts of violence which might in other
671 places become the subject of criminal investigation. So far as I could learn, any investigation by the *naim* would only deal with the causes which had led to the quarrel; it would deal only with the civil and not with the criminal aspect of the case.

583 Again, the custom of *tererstht*, or transference of wives, which
586 is the chief subject of the deliberations of the *naim*, some-
674 times leads to acts of violence. A woman who has been
177 transferred by the *naim* from one man to another may be carried off by force from the home of the former, but, however such an act may be regarded from our standpoint, it is not a crime from the Toda point of view, but merely the carrying out of the decision of the judicial authority. So many Todas are, however, discovering that such an act is regarded as a crime by Europeans that there will probably soon come about a state of public opinion which will regard such abduction as a crime, and possibly the same idea may become attached to the whole custom of transference of a woman from one man to another unwillingly. It seemed not unlikely at the time of my visit that this conversion of a custom into a crime might be assisted by the action of the Government.

000 In the legend of Kwoten, this hero kills Parden, but so far

1: Rivers E-5 (ca. 1901-02) 1906 Toda

piercing ceremony described in Chapter XIV. In this case the gift appeared to be nothing more than a friendly compliment, but it is possible that transferences of buffaloes may in some cases be connected with the other complicated relations between the two tribes. 234 609

Household Goods. These are equally divided among the sons, though, as in the case of the buffaloes, they are used in common so long as the sons live together. If household goods have to be divided among the members of a family they are shared as equally as possible, and this is also the case with any ornaments. If the man had only one ring, it was said that this ring would either be broken up and shared equally, or its value would be divided. Money is shared equally among the sons. 422 428 595

If one of several brothers who has his own wife should die and leave children, the sons would take their father's share at any division of property. Thus, at the time of my visit, Piutolvan and Püljcidi (10), two very old men, were thinking of dividing their buffaloes among their descendants. In this case Menkars would receive the number which his father Tagners would have received if he had been alive. If Tagners had left two sons, the portion which their father would have received would be divided between the two boys or devoted to their common use.

Daughters inherit nothing. They only receive from their parents what they are given as dowry (*adrparn*).

Any property given to a woman as dowry goes with her if she changes husbands, but any ornaments or other property given to a wife by her husband are kept by the husband if the wife is transferred to another man or group of men. [586]

Harkness records a case in which a dispute about property arose. In this case a woman bore two children to three husbands. One of the husbands died and the other two husbands married other wives. The two children claimed one-third of the property of the mother and her first husband, and Harkness was told that this was generally recognised to be a just claim. I did not inquire into this special case but according to the laws of inheritance of property which I have given, it would seem that the children were entitled to 428

2: Marshall G-5 (1870) 1873 Toda

remain unchanged in habits, almost through all time: but in the presence of a superior civilisation, action may be observed to commence; habits improve, though perhaps only up to a certain low stage, almost insensibly, and much as a flower expands, chemically influenced in the light of the sun. CHAP. XXVI.

The combined institutions of the dower and inheritance, afford as strong guarantees for the stable nature of the marriage tie as any race of inferior moral culture could well give. Indeed, no social customs redound more to their credit for practical sagacity than these. The young man makes his offer of marriage, which being accepted, the bargain, so far as he is concerned, is closed, and his dowry is *held to be due*. The girl, after sufficient deliberation, accepts this man: when the father is liable for her portion, to the man who has now become her husband.

Women, as we have seen, not being able to inherit property, the husband and father of the family is alone responsible for the food supply.

If then at any time the wife should be discarded, the whole of her family would be interested in the question of 'who is to feed her,' and thus naturally as it were, become guardians of the law. Or if, on the other hand, the wife should leave her husband's protection, he would claim from her father, restitution of the dowry he had paid. Had it been their custom that women could inherit property, men might wash their hands of the duty of supporting wife and family, and women would have encouragement to separate from their husbands, taking their children with them. Of course, such simple traps for restraining the sexes, could never hold, except in conditions of much honesty and good faith. A child left to starve, or a woman to beg or earn a separate livelihood, are sights absolutely unknown in such a united community.

Instances have occurred, but are acknowledged to be rare; of the bridegroom not having found the means of fulfilling his part of the compact; not having paid the dowry, even by

CHAP. XXVI.

586 183 the time a child had been born of his marriage. Had this been a hard-working people, such a difficulty could have been surmounted by his acting as Jacob did for Rachel, whose proposition, accepted by Laban, was 'I will serve thee for seven years' for her.—Genesis xxix., 18. But no circumstance has yet induced the dolichocephalic Toda to labour.

In such a case as has been described, the marriage is simply cancelled, both parties being competent to marry again. But mark the decision as regards the child; whether son or daughter it remains the property of the father. The mother nurses and cares for it during infancy: but when it can take care of itself; when in fact it requires food from the family stock, it goes to its father's home. Here we recognise the influence of the property law. Some one must feed and clothe the child: but women have no property; hence the father must take charge of it. Such would be the judgment of the kûtacaram.

586 626 684 As regards the national feeling on such an affair† it would be looked on as a mishap, an unfortunate occurrence, and the defaulter would lose in public estimation. He might be fined a buffalo or two: but there the matter would end, in sedate quiet. The child born of the union would not suffer in any way; it is the son of so and so: there is the father, whose heir he is, and that, his mother.

562 If the Toda mode of inheriting property should give the impression that women are not of much account in the family, such a view would be quite incorrect. Woman's influence in the mand, through her husbands and children, is real. By the great tolerance and moderation of the men, aided by a very sufficient mental power and mastery of her subject, she maintains a good position in the house. It is not so much that the two sexes are equally balanced, for even if of like mental power, the muscular ability to enforce a requirement must always remain with the man, as that the women have settled into a position which gives ample scope

† i.e., failure of the bridegroom to pay the dowry, resulting in termination of the marriage.—Analyst.

2: Marshall G-5 (1870) 1873 Toda

CHAP. XXVI.

for the practice of feminine duties, and of acquiring useful experience in the management of affairs. If the husbands should die, the widow would be fully competent to act as trustee of any cattle they may have left, and as guardian of her children, whether she married again, or maintained her single state.

In the event of a woman not bearing any children to her husband, he may marry again: but in such case he must support the first wife: and, as a matter of course, he has to pay another dower for the second.

In possession, therefore, of these evidences of wedded life, and bearing in recollection the staid nature of this singular people, I feel convinced that separation between pairs is not lightly tolerated. Easy-tempered, thoroughly communistic, and not very nice in their discrimination of the duties of husbands and wives to one another, many of the causes which lead to separations amongst civilised people, must be absent from them, and motives for divorce would not be frequent.

What an insight does the simple practice of the dower, not give into the direct nature of their minds! Both parties *promise*, and the promise is their bond! It is not that it is a conscientious people, but so guileless and free from talent for plot, and all so much alike, that seemingly they possess almost intuitive knowledge of one another's intentions. We notice the same peculiarity amongst the inferior animals, and for want of a better word, term it instinct. I have often thought that much of this instantaneous understanding we observe in animals, as well as the rapidity with which, amongst nearly pure races of man, information is disseminated, and the unity of impulse with which they work in combining for a common end, is due greatly to close similarity in cranial contour.[1] Are sly animals ever found associated in herds or troops?

[1] This peculiarity was a remarkable feature in the Indian Mutiny of the year 1857; the rebellion of a semi-barbarous race, of striking uniformity of cranial development.

13: Peter E-5 (1939, 1949) 1963 AW60 Toda AW60

which can often last for nearly an hour. The relatives now depart and return to the village, leaving the man and woman to cook themselves a meal. They return later, however, and all spend the night together in the *shola*, before going back to the *mad* in the morning, when a feast, open to visitors as well, is held.

Performance of the *pursütpimi* ceremony determines once and for all the fatherhood of all children borne by a woman. It need not be repeated as long as it is desired that the same man should continue to be the father of other children brought into the world by the woman. Thus, dead men can well be considered the parent of later offspring, and will continue to be looked upon as such, unless a new *pursütpimi* ceremony with another man be performed.

In most cases it is the husband who is called upon to give the bow and arrow; in the case of a plurality of husbands, one of them, not necessarily the eldest, will do so, and it is not customary to repeat it with another one of the husbands when once done by one of them. That is why men who have failed for one reason or another to procreate children, will preferably carry off the pregnant wives of others, so that when they go through with the ceremony, they will, all the same, become fathers. This was the case with the famous Toda Kuriolv (22) who, having become impotent from a wound received from a buffalo which he caught in his youth at a Toda funeral, was, nevertheless, able to have legal heirs even if they were not his own physiological sons. In cases of pregnancy having been brought about by intermoiety concubinage, a man of the same division as the woman is obliged to give the bow and arrow when she reaches her seventh month, should no one have done this for her before. The child would otherwise be illegitimate, something unheard of with the Todas.

In accordance with this system of legally determining paternity, the legitimacy of the children is assured, as no case is known in which a man could not be found to perform the *pursütpimi* ceremony for a pregnant woman. Even in instances of premarital impregnation, the girl having been "married" at an early stage to her *mutchuni*, even if the latter is not available for some reason to give her the bow and arrow, some other suitable male partner will always be found for her.

When a woman is carried away from her husband or husbands to become the wife of another man or group of men, and is subsequently compensated for by a fixed amount of buffaloes, the proceedings are not considered by the Todas to be those of a divorce. With them, that is something quite different, with a decidedly disparaging connotation

13: Peter E-5 (1939, 1949) 1963 AW60 Toda AW60

586 Rivers says that a man may divorce his wife for only two reasons, namely, either that she is a fool or that she will not work. He adds, however, that illness of the husband has also sometimes been regarded as a ground for divorce (Rivers, *The Todas*, p. 525).

But from my field-work in the Nilgiris, I gathered that the only real reason for a man wanting to be legally separated from his wife, was that she had co-habited with a non-Toda. He would then take one of his male buffaloes, tie a coconut shell round its neck in the presence of the *noim* which he had called together for that purpose. He would next cut off his wife's hair, beat her publicly, and end up by driving her together with the buffalo back to the house of his parents-in-law. I never actually saw this happen, but was assured on good authority (Kanvarsathi, Ujar (48), Sriar (20), Öknarsh (8) and Piliar (52)) that this was how it was done.

881 616 Before Toda girls reach the age of puberty, before their first menses, two things have to take place. First the ceremony called *putkuli tazar utiti* ("cloak over he puts") is performed. In it, a man of the opposite moiety to that of the girl (Teivilkh if she be Tardharsh, and vice-versa), comes to the *mad* at which she lives, during the day, lies down beside her on the *ertülkh* of her *arsh* for a few minutes and puts his *putkuli* over both her and himself.

881 616 833 604 124 A fortnight later, if a Tardharsh, she will have to be deflowered by a Teivilkh, and if a member of the latter, inferior, moiety, by somebody from the opposite one (Rivers has "a man of strong physique", which is not accurate enough, see *The Todas*, p. 503). It is looked upon as a great shame for a girl to start menstruating before this has been done, which reminds me of what Duarte Barbosa says about Nayar virgins (see above, p. 170). I was naturally most intrigued by this belief, and, as Rivers alludes only in passing to the custom and does not offer any explanation, I decided to try and find out for myself what the reason for it could possibly be.

Naturally this was no easy task, as people were too shy to speak about it, but I pressed Ujar (48) to speak for over a month, considering him to be the man, because of his age, standing and disposition towards me, the most liable to talk. I gave him presents such as a bag of rice, a buffalo calf and spectacles, but still he was reticent, and I could see that, although he wanted to confide the secret to me in return, he was afraid to do so. Finally I elucidated from him that his apprehension came from the fact that he feared that should he speak in the Nilgiris, the gods would wreak punishment upon him. I decided,

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Ti 595 or brothers living with the wife are exclusively entitled to her.

To 584 Instead of the Tibetan practice, in which the children are betrothed by the parents early, the Todas have a custom of marrying first cousins very early, as child marriages are common nearly all over southern India. In such a marriage, the betrothal would likely take place at least in the first or second year, and always between cousins, the boys marrying paternal girl cousins and the girls marrying maternal boy cousins. Later, these marriages are dissolved by divorce and the children are entitled to remarry by inclination, but compensation is always paid to the "legal" husband. This is worked out in a traditional manner, so that it is certainly a survival of some older form of marriage.

To 595 Another difference with Tibetan polyandry, in the case of the Todas, is that one man is usually declared the father of the children, though this is not always so. [595] In the aforementioned case of Mab, the woman said she had no preference as to who was the father of her children. The woman is regarded as part of the goods

To 595 one another's wives, and it happens that they can even retain such a woman they have stolen from other families, if they pay compensation to the husbands. This goes on continually and one sees some women who have been to three or four families in turn. The Todas do not seem to be any more jealous than the Tibetans, but perhaps this very laxity gives an outlet for jealousy, since they can steal one another's women, so that this does not appear to be a good instance for the study of jealousy among a polyandrous people.

To 837 595 764 There are numerous extra-marital relations, which are tolerated as long as they take place among Todas. At the funeral of a Toda woman, it is curious to note that there is one individual who officiates in addition to the husbands, and usually supposed to be the official lover of the woman. This looks peculiar, since they have it only in a ritual, and it may indicate that they once practised non-fraternal polyandry and that this official lover who officiates together with the husbands is perhaps only a survival of a non-fraternal mate.

To 836 ●596 848 Pre-nuptial relations are forbidden among both men and women, and there are never any illegitimate children among the Todas, as they are always born within one family (since "marriage" takes place in infancy) and considered legitimate. The men alone are allowed to divorce, but women may never do so. The usual ground for divorce is that they have stolen one another's wives. The only case in which a woman is divorced with ignominy is if she has had relations with a non-Toda. In that case, she is driven from her home, her hair cut, and usually tied to a buffalo with coconuts attached to its neck, after being beaten by the community.

To 595 The impression I got was that Toda polyandry was loose and decadent, and that, today, we see only the remnants of a former, more efficient type of polyandrous organization.

000 *Tiya Polyandry.* The Tiyas, living in